

TRASON

Vallandigham

DRAWER 48.

REACTIONARIES

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Civil War Reactionaries

Vallandigham Treason

Excerpts from newspapers and other sources

From the files of the
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POLITICAL DIFFERENCES.—We are well satisfied that much of the bad feeling that grows out of partisan differences, is owing to a want of acquaintance with one another by members of the opposite political parties. If Democrats and Republicans associated more together, met oftener in public discussion, and were disposed to look on each other's opinions with more liberality, there would be less misrepresentation, malice and prejudice in the community. There can be no more dangerous policy than that said to be advocated by several of our prominent Republican citizens, that all relations between their party friends and Democrats should cease, the former agreeing to have no social or business connections with the latter. Such principles carried into effect, would soon embroil the North in still further calamities. The person who confines himself exclusively to one class of political associates soon becomes fanatical, and is ready to perform acts, that if he was rightly informed, he would be ashamed to think of. The true spirit of patriotism would induce men of opposite political sentiments to meet together frequently, to find out each other's views, to read newspapers on both sides, to criticise one another's beliefs in a liberal and courteous spirit, and to never forget that differ as we may we are all citizens of a common country, alike interested and anxious for its welfare. Calling bad names, and proscription for opinion's sake, is of all means used for political advancement, the most silly and dangerous. It invariably begets the same course on the other side, and the result is, that men who should be friends, are rendered the most violent and implacable of enemies. If any testimony to this argument is wanted, nothing more need be pointed to than the events of the past few years. Fellow Democrats and Republicans, let us discard the idea that we are enemies because we disagree in political faith, and meeting together oftener, agree to regard each other's opinions with less prejudice, and in the spirit which becomes American citizens of common desires for our nation's prosperity.

dictment or presentment of a grand jury of such court; to speedy and public trial by an impartial jury of the State of Ohio, to be confronted with witnesses in my behalf; the assistance of counsel for my defense, and evidence and argument according to the common law and the usages of judicial courts. And all these I here demand as my right as a citizen of the United States, and under the Constitution of the United States.

But the alleged "offense" itself is not known to the Constitution of the United States, nor to any law thereof. It is words spoken to the people of Ohio, in an open and public political meeting, lawfully and peaceably assembled under the Constitution, and upon full notice. It is words of criticism of the public policy of the public servants of the people, by which policy it was alleged that the welfare of the country was not promoted. It was an appeal to the people to change that policy, not by force, but by free elections and the ballot box. It is not pretended that I counseled disobedience to the Constitution, or resistance to laws or lawful authority. I never have.

Beyond this protest, I have nothing further to submit.

C. L. VALLANDIGHAM.
Cincinnati, O. May 7th, 1863.

THE VALLANDIGHAM OUTRAGE—THE EXILE AT THE SOUTH—CONTINUED MANIFESTATIONS OF PUBLIC SENTIMENT.

On the 29th ult., Mr. Vallandigham was at Bragg's headquarters, at Shelbyville, and a telegraphic rumor stated that in answer to an inquiry from Gen. Bragg, as to what disposition should be made of him, Jeff. Davis replied to tender Mr. V. the oath of allegiance to the Southern Confederacy, and if he took it to receive him, and if not to send him back to the North.

The outraged feelings of the people continue to find expression in large public meetings, which make vigorous protests against the invasion of public liberty by the administration and its tools—whether the latter are "life-long democrats" or otherwise. In Newark, N. J., on Saturday evening last, an immense and enthusiastic public demonstration was made in support of the principles for which Mr. Vallandigham is a martyr. Here, too, the malign influence of the administration in contempt of chartered public rights, was made manifest in a rowdy mob effort to prevent the meeting. The administration mobocrats, however, were foiled in their purpose, and some of them were deservedly well handled by some sturdy democratic farmers who came in from the country.

Gov. Parker wrote an excellent letter to the meeting, saying that the people would be unworthy of their lineage if they did not protest against acts of the character of this arrest. Gov. Parker closed his letter with the following emphatic and expressive remarks—"The Union would be of little value if in restoring it we lose our liberties."

Another large meeting, animated with the same sentiments, was held in Philadelphia, on the 1st inst., when ex-Senator Bigler and others spoke, and strong resolutions were adopted, declaring that the most offensive words which Mr. Vallandigham could possibly have uttered "would not afford the least palliation for the monstrous crime which in his person has been committed against the liberties of us all;" that "if men's mouths may be opened only to praise and flatter power, and are to be closed when power is offended, discussion is but a name and liberty is a shadow."

We quote the following additional resolutions:

3. That as it is, if not our firm belief, at least our strong suspicion, that the design of the authorities at Washington is, by military aggression, to provoke a popular outbreak, and thus to furnish to themselves an apology for further invasion of our liberties, and, if possible, to enable them to encumber us in the exercise of our elective franchise, we exhort our fellow citizens everywhere to patience and to that forbearance and noble calmness which becomes a people who, knowing their rights, know also the means for their peaceful vindication.

4. That, there being no such punishment known to the laws of the United States as that of exile, it is the sense of the meeting that it is the right of Mr. Vallandigham, and it will be the like right of any other citizen upon whom there should be attempted to be inflicted by like tyranny a like unlawful and infamous punishment, to return forthwith, notwithstanding his mock sentence, to the state of which he is a citizen, and there resume his place among those who are laboring for the regeneration of the constitution and the reconstruction of the Union.

5. That in the letter of the Hon. Moratio Seymour, of New York, to the late public meeting of the democratic citizens of Albany, condemning the proceedings of the administration against Mr. Vallandigham, we recognize the tone and language of a statesman, and the spirit of a man worthy to be, at a great crisis, the chief magistrate of a great State.

JULY 23, 1863.

MR. VALLANDIGHAM TO THE PEOPLE OF OHIO.

Mr. Vallandigham, having arrived at Niagara Falls, Canada side, has issued the following address:

NIAGARA FALLS, CANADA WEST, }
July 16.

Arrested and confined for three weeks in the United States, a prisoner of state; banished thence to the Confederate States, and there held as an alien enemy and prisoner of war, though on parole; fairly and honorably dealt with and given leave to depart, an act possible only by raising the blockade at the hazard of being fired upon by ships flying the flag of my own country, I found myself first a freeman when on British soil. And to-day, under protection of the British flag, I am here to enjoy and in part to exercise the privileges and rights which usurpers insolently deny me at home. The shadow contrivance of the weak despots at Washington, and their advisers, has been delivered. Nay, it has been turned against them; and I, who for two years was maligning as in secret league with the Confederates, having refused when in their midst, under circumstances the most favorable, either to identify myself with their cause or even to much as to remain, preferring rather to come in a foreign land, return now with allegiance to my own State and government, unbroken in word, thought, or deed, and with every declaration and pledge to you made at home, and before I was stolen away, made good in spirit and to the very letter.

Six weeks ago, when just going into banishment because an audacious but most cowardly despotism called it, I addressed you as a fellow-citizen. To-day and from the very place then selected by me, but after wearisome and most perilous journeyings for more than four thousand miles by land and upon the sea, still in exile though almost in sight of my native State, I greet you as your representative. Careful certainly I am for the confidence in my integrity and patriotism, implied by the unanimous nomination as candidate for Governor of Ohio, which you gave me when I was yet in the Confederate States. It was not misplaced; it shall never be a need. But this is the last of all considerations in times like these. I ask no personal sympathy for the personal wrong. No; it is the cause of constitutional liberty and private rights, cruelly outraged beyond example in a free country, by the President and his servants, which give public significance to the action of your convention. Yours was, indeed, an act of justice to a citizen who, for his devotion to the rights of the States and the liberties of the people, had been marked for destruction by the hand of arbitrary power. But it was much more. It was an example of courage worthy of the heroes of the world; and it was a spectacle and a rebuke to the usurping tyrants who, having broken up the Union, would now strike down the Constitution, subvert your present government, and establish a formal and proclaimed despotism in its stead. You are the restorers and defenders of constitutional liberty, and by that proud title history will salute you.

I congratulate you upon your nominations. They whom you have placed upon the ticket with me are gentlemen of character, ability, integrity, and true fidelity to the Constitution, the Union, and to liberty. Their fiscal and political views—a quality always rare, and now the most valuable of public virtues—is beyond question. Every way all these were nominations fit to be made. And every day, I am sure, will now be rushed, if I especially rejoice with you in the nomination of Mr. Fugate as your candidate for Lieutenant Governor and President of the Senate. A scholar and a gentleman, a soldier in a foreign war, and always a patriot; eminent as a lawyer, and distinguished as an orator and a statesman, I had his acceptance as an omen of the return of the better and more virtuous days of the Republic.

I impose your noble platform—eloquent in style, admirable in sentiment. You present the true issue, and commit yourself to the great mission just now of the Democratic party to restore and make sure first the rights and liberties declared yours by your constitutions. It is vain to invite the States and people of the South to return to a Union without a constitution, and unadorned and pointed by repeated and most aggravated exactions of tyrannic power. It is vain in yourselves, and unreasonable to your posterity, to surrender these liberties and rights to the creatures whom your own breath created and can destroy. Shall there be free speech, a free press, a free assembly of the people, and a free ballot any longer in Ohio? Shall the people hereafter, as hitherto, have the right to discuss and condemn the principles and policy of the party—the Unionists—the men who, for the sake, conduct the government—to demand of their public servants a reckoning of their stewardship, and to place other men and another party in power at their supreme will and pleasure? Shall Order Twenty-eighth of

the Constitution be the supreme law of the land? And shall the citizen any more be arrested by an armed soldiery at midnight, dragged from wife and child and home to a military prison; thence to a mock military trial; thence condemned, and then banished as a felon for the exercise of his rights? This is the issue, and nobly you have met it. It is the very question of free popular government itself. It is the whole question; upon the one side liberty, on the other despotism. The President, as the recognized head of his party, accepts the issue. Whatever he wills, that is law. Congressional, State and Federal, are nothing; acts of legislation nothing; the judiciary less than nothing. In time of war, there is but one will supreme—his will; but one law—military necessity, and he the sole judge. Military orders supersede the Constitution, and military commissions usurp the place of the ordinary courts of justice in the land. Nor are these mere idle claims. For two years and more, by arms they have been enforced. It was the mission of his weak but pre-umptuous Burnside—a name infamous forever in the ears of all lovers of constitutional liberty—to try the experiment in Ohio—aided by a judge whom I name not, because he has brought foul dishonor upon the judiciary of his country. In your hands now, men of Ohio, is the final issue of the experiment. The party of the administration have accepted it. By pledging support to the President, they have justified his outrages upon liberty and the Constitution, and whoever gives his vote to the candidates of that party, commits himself to every act of violence and wrong on part of the administration which he upholds; and thus, by the law of retaliation, which is the law of might, would forfeit his own right to liberty, personal and political, whenever other men and another party shall hold the power. Much more do the candidates themselves. Suffer them not, I entreat you, to evade the issue; and by the judgment of the people we will abide.

And now, finally, let me ask, what is the pretext for all the monstrous acts and claims of arbitrary power which you have so nobly denounced? "Military necessity." But if, indeed, all these be demanded by military necessity, then, believe me, your liberties are gone, and tyranny is perpetual. For if this civil war is to terminate only by the subjugation or subversion of the South to force and arms, the infant of to-day will not live to see the end of it. No, in another way only can it be brought to a close. Travelling a thousand miles and more, through nearly one half of the Confederate States, and sojourning for a time at widely different points, I met not one man, woman, or child who was not resolved to perish rather than yield to the pressure of arms even in the most desperate extremity. And whatever may

and must be the varying fortune of the war, in all which I recognize the hand of Providence pointing visibly to the ultimate issue of this great trial of the States and people of America, they are better prepared now every way to make good their inexorable purpose than at any period since the beginning of the struggle. These may indeed be unwelcome truths, but they are addressed only to candid and honest men. Neither, however, let me add, did I meet any one, whatever his opinions or his station, political or private, who did not declare his readiness, *when the war shall have ceased and invading armies be withdrawn*, to consider and discuss the question of re-union. And who that count the issue of the argument? I return, therefore, with my opinions and convictions as to war or peace, and my faith as to final results from sound policy and wise statesmanship, not only unchanged, but confirmed and strengthened. And may the God of heaven and earth so rule the hearts and minds of Americans everywhere, that with a Constitution maintained, a Union restored, and liberty henceforth made secure, a grander and nobler destiny shall yet be ours, than that even which blessed our fathers in the first two ages of the Republic.

C. L. VALLANDIGHAM.

THE RIGHT OF FREE SPEECH!

EXTRACTS FROM THE CONSTITUTION.

Opinions from Republican Sources.

The *Observer* has many Republican readers,—men, who though they do not endorse its doctrines, still have the candor to read both sides of the great political questions now agitating the country,—and to them we wish to present a few quotations which they will not be apt to see in their own papers. They refer to the suppression of free speech, and are all from opposition sources, having mostly been drawn out by the recent arrest of Mr. Vallandigham. It is almost unnecessary for us to repeat that we have never agreed with Mr. Vallandigham in all his views relative to the war, and we only do so now, in order that our course may not be misunderstood. What we contend for, is the right of every citizen of this country to express his views freely and openly on all public questions—a right which we shall defend as strongly when it is disputed in the case of Messrs. Sumner, Phillips, Butler, Seward, or any other of our political opponents, as we now do when citizens claiming to belong to our own party are endeavored to be deprived of it. The extracts which we give below, coming from Republican sources, are entitled to weight among the members of that party. We shall premise by citing a few paragraphs from the Constitution of the United States:

ARTICLE I.

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof: OR ABRIDGING THE FREEDOM OF SPEECH or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall NOT BE VIOLATED.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an IMPARTIAL JURY of the State and District wherein the crime shall have been committed, which district shall have been previously ascertained by law.

ART. III., SEC. II., CLAUSE III.

The trial of all crimes, except in cases of impeachment, shall be by jury.

Every one of these clauses, as well as the other portions of the Constitution, President Lincoln, on entering upon the duties of his office, took a solemn oath to "preserve, protect and defend!"

FROM THE NEW YORK EVENING POST.

Our first extract is from the New York

Evening Post, a journal that is well known as the ablest Republican print in the country:

"Martial law, as it is called by the English and American writers, and the 'state of siege' by the French—a different thing from military law—has not been proclaimed to exist in the department of the Ohio. Or, even if it has

been proclaimed, we doubt whether any authority under it can be exercised against persons who are not immediately within the scope of active military operations. It is at least an arbitrary application of military government—the government of mere force—which substitutes the will of the commanding general for the common or municipal law, and which ought not to be resorted to except in cases of absolute necessity. When domestic turbulence and riot prevent the exercise of the ordinary jurisdictions, when the presence of contending armies drives out the inhabitants, when the behests of law are set at naught by an entire district, there is occasion for the strong hand of military power. But in other social conditions, the appeal to it is unnecessary, and in all probability hurtful.

"Vallandigham's offences, moreover, have been as yet confined to the use of foolish words. He calls Mr. Lincoln bad names; he denounces the Republican party; he abuses Burnside's new military orders; and his example and his instructions are exceedingly pernicious. But, alas, we cannot, in the spirit of Anacharis Klot's demand, hang all the dastards and scoundrels at discretion. Vallandigham has not, that we hear, committed any overt act of treason; he has not resisted the laws, though he has perhaps counselled resistance; and until he does, his silly babbling, like Brooks' and Wood's, must be allowed to pass for what it is worth. It is not likely to persuade more than a few ignorant or malignant men to do wrong. Besides, no governments and no authorities are to be held as above criticism or even denunciation. We know of no other way of correcting their faults—spurring on their sluggishness or restraining their tyrannies—than by open and bold discussion. How can a popular government, most of all, know the popular will, and guide its course in the interests of the community, unless it be told from time to time what the popular convictions and wishes are? Despotisms like that of Louis Napoleon or the Czar of Russia, have no need of this inspiration and control from the people, because they are not administered in the interest of the people, and look to those of a single man or a family, which can very well manage its own affairs. But a republic lives alone in its fidelity to the sentiments of the whole nation.

"Abuses and licenses of course attend to this unlimited freedom of public opinion; but these are apparently inseparable from the use; and without the abuse, we should scarcely have the use. It is a question, too, who is to draw the line between the use and the abuse outside of the courts established for the detection and punishment of all offences? If Vallandigham's peace nonsense is treasonable, may not Greeley's be equally so? If he cannot arraign the conduct of the war, can Mr. Schalk, who has written a book on

strategy which is the severest arraignment of it yet printed? If he may not question the justice or the propriety of Burnside's orders, may the *Evening Post* or a thousand other journals venture to hint a doubt of the superhuman military abilities of General Halleck? We know it may be said that his motives are bad and treasonable, while those of the others are loyal; but tribunals and commissions cannot inquire into motives. Deeds are tangible, but not thoughts."

And the *Post* of another date returning to the subject adds:

"We cannot concur in either the spirit or conclusions of one of the Republican morning papers, (the *Times*,) which argues that public criticism of the conduct of the war by the Administration is likely to discourage and embarrass its action.

"Fair and earnest criticism of those entrusted with power is not only the right, but the duty of the citizen of a republic. He is bound, by his relations to the commonwealth, to indicate to his political managers where he thinks they are wrong, in what respect their measures are defective, in what respect injurious, in what respect of evil tendency. In no other way can those functionaries learn so well the consequences and bearings of what they propose. They are immersed in the details of an absorbing business; the persons with whom they are apt to converse are either persons who agree with them in sentiment or persons who have plans and projects of their own dependent on the government, while the habitual influence of office is to withdraw its incumbents from the great popular inspirations and to narrow their minds to the limits of mere routine. A strong leading article, a persuasive speech, a vehement protest from a public meeting can do them little harm, and commonly does them a great deal of good. It shakes the cobwebs from their brains; dissipates the mists which are generated in the humid atmosphere of courts; exhibits their miscalculations; arraigns the assumptions of undue power, and spurs them on to a more vigorous action.

"It is true that writers or speakers who are not acquainted with all the facts of a case, who are not informed or misinformed of the various secret agencies at work in it, are liable to fall into errors of judgment. They may be misled by current rumors or their own prejudices; and in that way treat both men and measures with injustice. But these errors are of small account in comparison with the importance of keeping public agents in intimate contact with the public mind, and, better than that, with the public heart. They are of small moment in comparison with the necessity which exists in all free governments, of giving the amplest consideration to every measure which affects the interests of the community or the rights of individuals. Let us have then, we say, the fullest discussion of the acts of the government, but let that discussion be conducted with decency and moderation. Even the nonsense of Vallandigham or the malicious inanities of Brooks must be tolerated for the vital principles of free speech and unlicensed printing. Should they carry

...let the judicial tribunals see to their punishment. But only when these prove themselves incompetent to the task should the strong arm of the military force be invoked to supply the deficiency."

FROM THE NEW YORK TRIBUNE.

The New York Tribune, commenting upon Burnside's action, says:

"Mr. Clement L. Vallandigham is a Pro-Slavery Democrat of an exceedingly coppery hue. His policies are as bad as bad can be; if there were penalties for holding irrational, unpatriotic and inhuman views with regard to political questions, he would be one of the most flagrant offenders. But our Federal and State Constitutions do not recognize perverse opinions nor unpatriotic speeches, as grounds of infliction, beyond the infliction of the speeches themselves, and then the hearer suffers the penalty, not the speaker. So we don't exactly see how Mr. V. is to be lawfully punished for making a bad speech, unless by compelling him to make it to empty seats."

"We agree fully with Gen. Burnside that V. ought not to make such speeches—that he ought to be ashamed of himself—but then he will make them and won't be ashamed—so what will you do about it? "Send him to the Dry Tortugas," says the General—probably as a hint to him to "dry up." "Set him him over into Dixie," the President is said to suggest as an alternative. But this is the worst joke Mr. Lincoln has yet made."

In another article, Mr. Greeley says:

"We doubt that any good will result from arresting and trying such men as Vallandigham, and therefore hope the President may see fit to turn him loose. We consider such speeches as he makes calculated rather to strengthen the Government than to paralyze and subvert it. We reverence Freedom of Discussion—by which we mean Freedom to uphold perverse and evil theories, since nobody ever doubted the right to uphold the other sort. It does seem hard that any man should even wish to assail and weaken our Government at such a crisis as this; but the existence of a Copperhead is a fact which we do not disprove by ignoring; and we prefer that they should hiss before they strike. So we earnestly desire Vallandigham's liberation."

And, in speaking of the resuscitation of the New York Daily News he says further:

"Mr. Ben. Wood, M. C., has re-established his Daily News, stopped twenty months ago on the refusal of the government to allow its circulation through the mails. We rejoice at its re-appearance, and trust that it may henceforth be so conducted as to justify the Executive in tolerating its existence. Mr. Wood is in favor of making an immediate peace with the rebels, on their own terms and he has a perfect right to be so. He has a right to write, print and harangue in favor of such a peace, and to use to that end such logic—bad, or courtly, or seditious—as admits of. The right to reason is a right which no government can subvert without extreme danger to public liberty, and, though we affirm the rightful power of the Government to suspend temporarily its exercise in times of the gravest and most imminent National peril, we trust such authority will be very sparingly exercised, and only upon the

...necessity."

FROM THE NEW YORK COMMERCIAL ADVERTISER.

The old and staid Commercial Advertiser, than which there is not a more "intensely loyal" administration paper, goes even further than either of its contemporaries. It says:

"The proceedings taken against that notorious Ex-Congressman appear to us to have been a mistake. It was committed by one of the truest men that breathe and from a pure motive, but was an error, nevertheless. Mr. Vallandigham is a civilian; and as such, we think, has the legal right to express his opposition to the war as it is, as well as to the mode of conducting it, without being thereby liable to arrest. His statements may be glaring falsehoods; his logic fallacious; his principles abhorrent, and his motives base; yet all those do not furnish reason why he should be prohibited from uttering his views on a great public question. We entertain as hearty a contempt of the demagogue as admiration of the sterling worth of Burnside, without approving the policy which the latter has seen fit to adopt in this case."

FROM THE BOSTON ADVERTISER.

The Boston Advertiser pointedly condemns the action of Gen. Burnside—mainly, however, on the grounds of its impolicy. It very well says:

"We doubt if Vallandigham, with all his skill in vilification, could make an attack upon the government so effective by half as those for which his arrest and trial by court-martial in the State of Ohio have given occasion."

FROM THE SPRINGFIELD (MASS.) REPUBLICAN.

The Springfield (Mass.) Republican is even more emphatic in its condemnation. It says:

"It is much to be regretted that Gen. Burnside has not been assigned to some command where there is fighting to be done, and the country is disappointed not to see him marching an army to the deliverance of the long oppressed Unionists of East Tennessee, instead of mixing up civil and military affairs in the loyal States of his department. * * *

His logic is vicious throughout, and the policy of his course more so. The Government cannot punish men for treason because their talk tends to give aid and comfort to the enemy.—His subordinate, General Haswell, who rules the sub-department of Indiana, in his supplementary order goes a step beyond Burnside, and fairly runs the thing into the ground by threatening to punish all newspapers and public speakers "who endeavor to bring the war policy of the government into dispute."

FROM THE BOSTON TRAVELER.

The Boston Traveler, another administration paper, draws the most gloomy auguries from this mischievous and wicked act:

"The collisions between the military and civil powers cannot be prevented from occurring under the present state of things, and if it is not seasonably resisted, we shall in a few years become like Mexico, a military republic, where the man or the clique will rule who can control for the time being the largest number of bayonets. At present there can be no very serious trouble; the matter all lies in the germ, but it will grow day by day, month by month, and year by year. Vallandigham has many friends and followers in Ohio. The course of the military authorities in proceeding against him is not calculated to decrease their num-

bers. At present he and his friends are powerless. They are unarmed. A convention of them is, however, to be held on the 11th of June, and whether he is sent to the Tortugas or to the Southern lines, they may elect him and a Legislature that will support him. Then comes the collision, and who will answer for its consequences? Let the opposition to the general government find itself thoroughly seated in power in any of the States against the military efforts of the general government to suppress them, and it will not hesitate to meet military power with armed resistance."

FROM THE PHILA. BULLETIN.

"We trust that there is some good, sufficient, tangible ground for the arrest of C. L. Vallandigham, which is reported from Cincinnati. We trust there are specific charges of treason, or some other offence, to be brought against him, and that he will be tried before a court of justice. That he is at heart a traitor, and that he deserves a traitor's death, no honest patriot can doubt. But mere general allegations are not sufficient grounds for the incarceration of any man. Therefore it is that we hope there is a positive and sufficient ground for an indictment and conviction for treason. The Government has gained nothing by arresting men on vague accusations and then discharging them without trial. If one or more of those who were arrested in the beginning of the rebellion had been convicted have encouraged sedition and have brought no credit to the Government. Vallandigham is a good man to make an example of, and we trust he will have a speedy and fair trial."

FROM THE BOSTON HERALD.

"We must express our regret that the arrest took place, and especially that he was arrested by military authority and condemned by a court martial."

"We believe with Governor Seymour of New York, that the civil authority is ample to satisfy the law, and to put down treason at the North. The arrest of Mr. Vallandigham will create a wide-spread discontent, not on his account, but for what will be deemed an encroachment upon the rights of the people. * * * We are fearful that the arrest and conviction of Vallandigham by the military authorities, if sustained by the Administration will lead to serious consequences, and will weaken its hold upon the people. The whole system of political persecution gotten up for political effect is unwise, uncalculated for, and will be productive of mischief and nothing but mischief. All such men as Vallandigham may be safely left to the people in the free States to attend to through the ballot box, while the Government is exerting itself to put down the rebellion at the South."

FROM THE NEW BEDFORD STANDARD.

The New Bedford Standard speaks in a manly voice:

"We freely concede to any one the same right to criticize the Administration which we claim for ourselves. If we disapprove of a pro-slavery policy, we expect to say so without molestation. Let those who disapprove an anti-slavery policy do the same. A government or an Administration which cannot permit criticism, is not fit for a free people. We have no faith in what is called 'unconditional loyalty,' if it means that it is necessary to give an indiscriminating and passive acquiescence to every act of those in power, while we are convinced that the mo-

...ives which impel Vallandigham and his friends to attempt to shut the mouths of such men as Vallandigham. If we are successful, all his tirades will fall unheeded. If we are unsuccessful, and continually so, no power on earth can prevent the formation of such a public

the people we think there is no need of attempting to shut the mouths of such men as Vallandigham. If we are successful, all his tirades will fall unheeded. If we are unsuccessful, and continually so, no power on earth can prevent the formation of such a public

opinion as will compel a change of policy on the part of the Administration, or lead to the election of a new one. Let us have faith in the power of truth, and oppose those who believe to be in error with the weapon of truth, and not of force—a very effective argument, it is true, but one which is apt to return and plague those who use it."

THE TRIAL OF MR. VALLANDIGHAM.

His Protest, and the Case Against Him.

The trial of Hon. C. L. VALLANDIGHAM, before a Military Commission, acting under the orders of Gen. BRANSIDE, commanding the Department of the Ohio, took place last week, at Cincinnati, and the judgment of the commission was submitted to their military superior on the 9th inst. The case presents the latest, and perhaps the best, illustration of the arbitrary powers claimed and exercised by the agents of the present administration, and is of historical importance. From it and the similar acts which preceded it, we greatly fear that we may have yet to date the downfall of public liberty on this continent.

Mr. VALLANDIGHAM's protest states the circumstances of his arrest without process of law, and our readers know that he was taken, by an armed force of soldiers, from his own house, in Dayton, to Cincinnati for trial. The following is the presentment made against him:

CHARGE.

Publicly expressing, in violation of General Orders No. 38, from Headquarters, Department of the Ohio, his sympathies for those in arms against the Government of the United States, declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion.

SPECIFICATION.

In this, that the said Clement L. Vallandigham, a citizen of the State of Ohio, on or about the 1st day of May, 1863, at Mount Vernon, Knox County, Ohio, did publicly address a large meeting of citizens, and did utter sentiments, in words or in effect, as follows, declaring the present war "a wicked, cruel and unnecessary war," "a war not being waged for the preservation of the Union," "a war for the purpose of crushing out liberty, and erecting a despotism," "a war for the freedom of the blacks, and the enslavement of the whites," stating that "if the Administration had so wished, the war could have been honorably terminated months ago; that 'peace might have been honorably obtained by listening to the proposed intermediation of France;' that 'propositions, by which the Southern States could be won back, and the South guaranteed their rights under the Constitution, had been rejected the day before the late battle at Fredericksburg, by Lincoln and his minions,' meaning thereby the President of the United States and those under him in authority. Charging "that the Government of the United States were about to appoint Military Marshals in every district, to restrain the people of their liberties, to deprive them of their rights and privileges." Characterizing General Order No. 38, from Headquarters, Department of the Ohio, as "a base usurpation of arbitrary authority," inviting his hearers to resist the same by saying, "the sooner the people inform the minions of usurped power that they will not submit to such restrictions upon their liberties, the better;" declaring "that he was at all times, and upon all occasions resolved to do what he could to defeat the attempts now being made to build up a monarchy upon the ruins of our free Government;" asserting "that he firmly believed, as he said six months ago, that the men in power are attempting to establish a despotism in this country more cruel and more oppressive than ever existed before."

All of which opinions and sentiments he well knew did aid, comfort and encourage those in arms against the Government and could but induce in his hearers a distrust of their own Government and sympathy for those in arms against it, and a disposition to resist the laws of the land.

J. M. CUSTIS.
Capt. in 11th infantry, Judge Advocate, Department of the Ohio.

MR. VALLANDIGHAM'S PROTEST.

Arrested without process of law, without warrant from any judicial officer, and now in military custody, I have been served with a charge and specifications as from a Court-martial or Military Commission. I am not in either the land or the naval service of the United States, and, therefore, am not tryable for any cause by any such court, but am subject, by the express terms of the Constitution, to arrest only by the writ of habeas corpus, and to be tried by some officer of a court of competent jurisdiction for trial of citizens. I am subject to indictment and trial on presentment of a Grand Jury, and am entitled to a speedy trial, to be confronted with witnesses, and to compulsory process for witnesses in my behalf, and am entitled to counsel. All these I demand, as my right, as a citizen of the United States, under the Constitution of the United States. But the alleged offense itself is not known to the Constitution, nor to any law thereof. It is words spoken to the people of Ohio in an open public political meeting, lawfully and peacefully assembled under the Constitution, and upon full notice.

It is the words of a citizen, of the public policy of the public servants of the people, by which policy it was alleged that the welfare of the country was not promoted. It was an appeal to the people to change that policy; not by force, but by the elections and the ballot-box. It is not pretended that I counseled disobedience to the Constitution, or resistance to law or lawful authority. I have never done this.

I have nothing further to submit.

(Signed) C. L. VALLANDIGHAM.

MAY 7, 1863.

No attention was paid, by the military commission to this protest, and the taking of evidence was commenced.

Capt. HILL, of the 115th Ohio regiment, was sworn as to the purport of Mr. VALLANDIGHAM's speech at Mount Vernon, Ohio. Mr. VALLANDIGHAM conducted his own case. Capt. HILL stated, in answer to Mr. VALLANDIGHAM, that he was present during his speech, in citizen's clothes, and took notes of what he said, having been sent for that purpose by Capt. A. C. KEMPER, Assistant Adjutant-General of Gen. BRANSIDE.

Capt. John A. Means was also sworn, and testified that he was present and heard Mr. Vallandigham's speech. He was proceeding to state what Mr. V. said in relation to the restoration of peace if the government would have accepted the plan submitted to it before the battle of Fredericksburg, when Mr. Vallandigham objected to anything on this last point on the ground that he had applied for a subpoena for Fernando Wood, of New York, to bring with him the plan proposed, and had been refused.

The Judge Advocate replied that this point might be waived, and he would strike from the specifications what related to the proposed plan of restoring the Union.

The witness continued: That if the plan had been adopted, peace would have been restored, the Union saved by reconstruction, the North won back and guaranteed in her rights. That our armies didn't meet with success; that Richmond was not taken, Charleston, nor Vicksburg; that the Mississippi was not open, and would not be as long as there was cotton to sell or contractors to reward. He said, in regard to the rebuke of the administration at the last fall election, that no more volunteers could be had; that the administration had to resort to the French conscription act; that he would not counsel resistance to the military or civil law, for that was not needed. That a people were unworthy to be freemen who would submit to such encroachments on their liberties.

Q What encroachments did he refer to?

A. He was speaking of the conscription act. He said he believed the administration was attempting to erect a despotism; that in less than one month Lincoln had plunged the country into this cruel, bloody, and unnecessary war.

Q. Can you recall anything he said in relation to General Order No. 38?

A. He said the General Order No. 38 was a usurpation of power; that he despised it, spit upon it, trampled it under his feet; that he, for one, would not regard it. He styled the administration officers, and officers of the army, as minions of the administration. He said he did not ask General Ambrose Burnside whether he might speak there or not; that he was a freeman, and spoke when and where he pleased.

Q. Do you remember anything he said with reference to the course he advised the people to pursue?

A. He said these proclamations and military orders were intended to intimidate the people and prevent them from mingling together as they were doing that day; that he claimed the right to discuss and criticize the actions of the civil and military officers of the government.

Q. Did he advise the people to take any steps?

A. He advised them, at the close of his speech, to come up together at the ballot-box, and hurl the tyrant from his throne. He styled the President at another time as "King Lincoln."

CROSS EXAMINATION.

Q. By Mr. Vallandigham: Did you take any notes during the delivery of the speech, or are you testifying from memory?

A. I took no minutes during the delivery of the speech; but after Mr. Pendleton began speaking I went to the hotel, perhaps an hour and a half afterwards, and wrote some minutes of the speech.

Q. You speak of my saying that "the North might have been won back;" was it not that the South might have been won back, &c.?

A. No; I noticed this particularly, and it struck me very forcibly.

[Mr. Vallandigham: If I said it, it must have been a slip of the tongue.]

Q. You say that I said I would not counsel resistance to military or civil law. Did I not expressly counsel the people to obey the Constitution and all law, and to pay proper respect to men in authority, and to maintain their political rights through the ballot-box, and redress personal wrongs through the judicial tribunals of the country, and in that way to rebuke and put down the administration and all usurpations of power?

A. Not in that connection. He said, at the last of his speech, to come up to the ballot-box and hurl the tyrant from his throne.

Q. Did he not counsel them to submit to all law?

A. No, sir; I didn't understand him to counsel the people to submit to the authorities at all times. I can't remember that he used the language of the question, or the substance of it as stated.

Q. Did I not say that my authority to speak to the people in public assemblages, on all public questions, was not derived from General Order No. 38, but General Order No. 1, the Constitution of the United States, General Washington commanding?

A. I understood him to say that his authority to speak to the people was higher than General Order No. 38 of that mobbing despot, General Burnside; it was Order No. 1, signed by George Washington.

Q. Were not the three names of Tod, Lincoln, and Burnside used together, and that I didn't ask their consent to speak?

A. At another time he used these words.

Q. Were not the remarks you say I made about despising, spitting upon, and trampling under foot, expressly applied in reference to arbitrary power generally; and didn't, in that connection, refer to General Order No. 9, in Indiana, signed by General Hascall, denying the right to criticize the war policy of the administration?

A. The remarks in regard to despising, spitting upon, trampling under foot, were made in direct reference to Order No. 38. He some time afterward, in speaking of the tyranny of the administration, said that an order had been issued in Indiana denying the people the right to criticize the military policy of the administration, and if submitted to, it would be followed by civil war in Ohio.

Q. Do you undertake to give any connected or methodical statement of the speech on that occasion?

Judge Advocate—The court can judge as to that point, but he may answer.

A. I do not pretend to give the speech, commencing with the first and giving it just as he spoke it.

TESTIMONY OF S. S. COX.

Q. By Mr. Vallandigham—Were you present at the public meeting in Mount Vernon on Friday, May 1, 1863.

A. I was present as one of the speakers; I heard the whole of the speech; I stood on the platform near him, so that I could not fail to hear all that he said; I have not heard him speak since the adjournment of Congress, and, as I came in from the West, I did not know he was there; I took especial interest in listening to his speech throughout; and having to follow him, I naturally noticed the topics which he discussed.

Q. Did you hear his allusions to Gen. Burnside, and if so, what were they?

A. The only allusion that he made to the General was, I think, in the beginning of his speech, in which he said that he was not there by the favor of Abraham Lincoln, David Tod, or General Ambrose E. Burnside.

Q. Was any epithet applied to him during the speech?

A. No, sir. If there had been I should have noticed it, because General Burnside was an old personal friend of mine. I should have remembered any odious epithet applied to him.

Q. Did you hear the reference to General Order 38, and if so, what were the words?

A. The only reference that was made to that order was something to this effect: that he didn't recognize—I don't know that I can quote the language—order No. 38 as superior to order No. 1, the Constitution, from George Washington, commanding; I don't know as this is the language; I thought it a very handsome point at the time.

Q. Were any violent epithets, such as "spit upon," "trample under foot," and the like, used at any time in the speech in reference to that Order 38?

A. I can't recollect any denunciatory epithets applied to that order. If there was any criticism made upon it, it was mentioned above, in the remark about the Constitution. Mr. Vallandigham discussed these matters very briefly. He took up most of his time on another point, in connection with the question of closing the war. He charged that the men in authority had it in their power, if they were willing, to make a peace. He exhausted some time in reading from Montgomery Blair, and from Forney; and also stated that there were private proofs yet to be developed, and which time would disclose, proving his statement. He bitterly denounced any attempt to make peace by a separation of the States.

Q. Do you remember to what, if at all, in connection with future usurpations of power, he applied his strongest language?

A. I can't say as to the strongest language, for he always speaks pretty strongly. He denounced any usurpation of power to stop public discussion and the suffrage. He appealed to the people to protect their rights as the remedy for their grievances. He warned against violence and revolutions. By the powerful means of the ballot-box all might be remedied that was wrong of a public nature, and the courts would remedy all grievances of a private personal nature.

Q. Was anything said by him at all looking to forcible resistance of either law or military orders?

A. Not as I understood it.

Q. Was anything said by him in denunciation of the conscription law?

A. My best recollection is that he didn't say a word about it.

Q. Did he refer to the French conscription bill?

A. He did not. I spoke of it myself.

Q. Do you remember his comments on the change of the policy in the war?

A. He did refer to the change in the policy of war, and devoted some time to showing that it was now carried on for the abolition of slavery; that it had been perverted from a war for the preservation of the Union to one for the abolition of slavery. He referred to the Crittenden resolution to show that the war was originally for the restoration of the Union.

Q. Was any denunciation of officers in the army indulged in by him, or any offensive epithets applied to them?

A. When, occasionally, he used the words "the President and his minions," I didn't understand him to use them as applicable to the army. I think it was in connection with arbitrary arrests when he used these words.

Q. Do you remember what was said in reference to the possibility of a dissolution of the Union, and of his determination in regard to such a contingency?

A. I remember the metaphor, that he could never be a priest to minister at the altar of dissolution.

A. He invoked them under no circumstances to surrender the Union.

The Judge Advocate had no question to ask the witnesses.

Mr. Vallandigham said he had other witnesses, and a recess was taken till five o'clock, when the witnesses not arriving the case was closed.

The following personal address has been issued by Mr. Vallandigham:

MILITARY PRISON, CINCINNATI, O.,
May 5, 1863.

To the Democracy of Ohio:

I am here in a military bastille for no other offense than my political opinion, and the defense of them, and of the rights of the people, and of your constitutional liberties. Speeches made in the hearing of thousands of you in denunciation of the usurpations of power, infractions of the Constitution and laws, and of military despotism, were the sole cause of my arrest and imprisonment. I am a Democrat—for Constitution, for law, for the Union, for liberty—this is my only "crime." For no disobedience to the Constitution; for no violation of law; for no word, sign, or gesture of sympathy with the men of the South, who are for disunion and southern independence, but in obedience to *their* demand, as well as the demand of northern abolition disunionists and traitors, I am here in bonds to day; but

"Time, at last, sets all things even!"

Meanwhile, Democrats of Ohio, of the Northwest, of the United States, be firm, be true to your principles, to the Constitution, to the Union, and all will yet be well. As for my self, I adhere to every principle, and will make good, through imprisonment and life itself, every pledge and declaration which I have ever made, uttered, or maintained from the beginning. To you, to the whole people, to Time, I again appeal. Stand firm! Falter not an instant!

C. L. VALLANDIGHAM.

[From the Cincinnati Enquirer, Saturday.]

The Court-Martial of Hon. C. L. Vallandigham.

On yesterday evening permission was given to the press, by Gen. Burnside, to publish the proceedings had before the military Court-martial on Wednesday and Thursday, in the trial of Hon. C. L. Vallandigham. The evidence before the Court was fully reported, but as an official record of all the proceedings has been requested of, and granted by Gen. Burnside, we will postpone the publication of the testimony adduced until after such record has been furnished, which will probably be in time for our issue to-morrow. We give, however, the charges and specifications under which Mr. Vallandigham was arrested and tried, and his protest as to the proceedings had by the military authorities. The following is the charge and specification:

Charge—Publicly expressing, in violation of General Orders No. 38, from Headquarters Department of the Ohio, his sympathies with those in arms against the Government of the United States, declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion.

Specification—In this that the said Clement L. Vallandigham, a citizen of the State of Ohio, on or about the 1st day of May, 1863, at Mount Vernon, Knox co., O. did publicly address a large meeting of citizens, and did utter sentiments in words, or in effect, as follows: Declaring the present war "a wicked, cruel and unnecessary war," "a war not being waged for the preservation of the Union," "a war for the purpose of crushing out liberty, and erecting a despotism," "a war for the freedom of the blacks and the enslaving of the whites," stating "that if the Administration had so wished, the war could have been honorably terminated months ago," that "peace might have been honorably obtained by listening to the proposed intermediation of France," that "propositions by which the Southern States could be won back, and the South be guaranteed their rights under the Constitution, had been rejected the day before the late battle of Fredericksburg, by Lincoln and his minions," meaning thereby the President of the United States and those under him in authority; charging that "the Government of the United States were about to appoint military marshals in every district to restrain the people of their liberties, to deprive them of their rights and privileges," characterizing General Order No. 38, from Headquarters Department of the Ohio, as "a base usurpation of arbitrary authority," "inviting his hearers to resist the same by saying," "The sooner the people inform the minions of usurped power that they will not submit to such restrictions upon their liberties the better," declaring that "he was at all times and upon all occasions resolved to do what he could to defeat the attempts now being made to build up a monarchy upon the ruins of our free government; asserting that he firmly believed, as he said six months ago, "that the men in power are attempting to establish a despotism in this country more cruel and more oppressive than ever existed before."

All of which opinions and sentiments he well knew did aid, comfort and encourage those in arms against the government, and could but induce in his hearers a distrust of their own Government and sympathy for those in arms against it, and a

disposition to resist the laws of the land.

G. W. CUTTS,
Captain the 11th Infantry, Judge Advocate,
Department of the Ohio.

PROTEST.

Arrested without due "process of law"—without a warrant from any judicial officer, and now in a military prison, I have been served with a "charge and specification," as in a court martial or military commission.

I am not in either "the land or naval forces of the United States, nor in the militia in the actual service of the United States," and therefore am not triable for any cause by any such court; but am subject, by the express terms of the Constitution, to arrest only by due process of law—judicial warrant regularly issued upon affidavit, and by some officer or court of competent jurisdiction for the trial of citizens, and am now entitled to be tried on an in-

may 1863

REVIVAL OF ARBITRARY ARRESTS.

The arrest of VALLANDIGHAM for addressing a public meeting against the manner and the objects of the war, was evidently an experiment of the Administration, to see how far the people would tolerate these acts of violence. The removal of the prisoner out of the jurisdiction of the State shows the distrust that is felt as to the character and consequences of the outrage.

The arrest is a threat against every public man who refuses to advocate the extreme measures of the Abolition Cabinet. It commences with VALLANDIGHAM, but where is it to stop?

The opinions and course of the Ohio member can only be regarded as extreme, because an outcry has been raised against him. He has constantly kept in view, in all his course, a restoration of the Union. He has never advocated a peace based upon separation. He is not only innocent, in the view of the Constitution, of all criminal offense, but is guiltless of any wrong such as a military tribunal should take cognizance of if committed within its jurisdiction; nay, more, he is not liable to the censures which the Administration press have so clamorously concentrated upon him.

For every word he has spoken, which may be cited as obnoxious, we will produce an equivalent from the pen of SEWARD, or of WHEED, or GREELEY, or from the mouths of PHILLIPS and his Abolition coadjutors; while it will be easy to prove that the general tenor of the labors of these men has been to destroy the Union which he sincerely labors to re-construct.

We have differed with Mr. VALLANDIGHAM. He has been too impatient to sympathize with the moderate counsels and forbearing attitude of the Conservative Democracy. He believes that peace can be accomplished now on the basis of the restoration of the Union. We do not believe that the men at the head of the Administration will ever bring about such a peace, and we do not seek such a peace as we believe they will endeavor to consummate.

But the blow that falls upon a citizen of Ohio to-day, may be directed at a Democrat of New York to-morrow. The second outrage must follow the first, for there is an inevitable sequence in the logic of such wrongs. The blow, therefore, is a threat at every Democrat; and we wonder at the folly, if not at the malignancy, which prompted it.

The act is done at a time when the Government is appealing to the states of the North for troops. The states upon which it must mainly rely—New York, Pennsylvania, New Jersey, Ohio, Indiana and Illinois—are Democratic states. They have already contributed a majority of all the forces in the field. Upon them the government relies for the future. They must send volunteers, or their good will must render the conscription efficient. What could be more impolitic, at such a moment, than such a blow in the face!

It looks as if the Administration sought "to divide the North, and unite the South," so as to find in the alienation of public sentiment in the loyal States, and in the concentrated power of the South, the excuse for an inglorious peace. Certainly they exhibit more ingenuity in efforts to make the war a failure, than a wise Administration would do in devising means for its prosecution.

*Albany
Atlas & Argus
1863*

"LOYAL" UNION SENTIMENTS.

The utterers of the following sentiments have not been arrested and sentenced to imprisonment by drum-head court martials.—Reason, they are Abolitionists:

If the Cotton States shall become satisfied that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists; nevertheless.

Whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in.

We hope never to live in a Republic whereof one section is pinned to another by bayonets.—*N. Y. Tribune*, Nov. 9, 1860.

If the Cotton States unitedly and earnestly wish to withdraw peacefully from the Union, we think they should and would be allowed to do so. Any attempt to compel them by force to remain would be contrary to the principles enunciated in the immortal Declaration of Independence—contrary to the fundamental ideas on which human liberty is based.—*N. Y. Tribune*, Nov. 27, 1860.

If it (the Declaration of Independence) justified the secession from the British Empire of three millions of colonists in 1776, we do not see why it would not justify the secession of five millions of Southerners from the Union in 1861.—*N. Y. Tribune*, Dec. 17, 1860.

Whenever it shall be clear that the great body of the Southern people have become conclusively alienated from the Union, and anxious to escape from it, we will do our best to forward their views.—*N. Y. Tribune*, Feb. 1861.

Speaking of ourselves, we can honestly say that for the Old Union, which was kept in existence by Southern menaces and Northern concessions, we have no regrets, and no wish for its reconstruction.

The Union cannot be restored, and ought not to be, save through the virtual destruction of slavery.—*N. Y. Tribune*.

It is true that the Republican leaders, and the Republican masses, would prefer a peaceful separation, to the bringing back of the seceded States as slave States.—*Syracuse, N. Y. Journal*.

Sir, the man who invokes the Constitution in forbearance of the law to punish traitors, is himself a sympathizer.

Sir, I say again, I have no scruples about this Constitution of the United States, as wielded against traitors in the time of violent revolution.—*Senator Wade of Ohio*, April, 1862.

Who, in the name of God, wants the Cotton States, or any other State this side of perdition, to remain in the Union, if slavery is to continue.—*Mr. Sherman of Ohio*, M. C.

This talk of restoring the Union as it was

under the Constitution as it is, is one of the absurdities which I have heard repeated until I have become about sick of it. The Union can never be restored as it was. There are many things which render such an event impossible. This Union never shall, with my consent be restored under the Constitution as it is, with slavery to be protected by it.—*Thad. Stevens, Penna., M. C.*

It is useless to suppose that after two years of war, and the loss of millions of dollars and thousands of lives, the Union can be restored with slavery as it was. * * It must die or the Union must die.—*New Haven Palladium*.

This is to be, henceforth, our motto: "Liberty to the Slave or death to the Union."—*Wendell Phillips*, 1863.

I thank God that the federal arms were defeated at Bull Run, and on the Peninsula, and under Pope, for without such defeats we should not have had the Emancipation Proclamation. Had we won at Bull Run, or taken Richmond, the back bone of the rebellion would have been broken, and the Union would have been restored with slavery remaining in it.—*Senator Trumbull of Illinois*, October 1862.

If three months more of earnest fighting shall not serve to make a serious impression, let us bow to our destiny, and make the best attainable peace.—*N. Y. Tribune*, Jan., 1863.

This war has lasted long enough, and I am in favor of letting the South go.—*Republican Attorney General of Rhode Island*.

Those who want it (the Union) as it was are welcome to it. We hope, however, when they get it, they will no longer curse the fair land of North America with it. Let them take it to congenial home of the alligator, hyena, and copperhead. Compared with "the Union as it was," the Union as it is, is glorious, even with all its sad realities.—*Manchester American*.

At the recent Methodist Conference in New York, Bishop Scott "thanked God for our defeats at Bull Run and other places;" and the Rev. Mr. Foster declared "he was ready to give glory to God for our defeats at the first Bull Run and the second Bull Run."

Gen. Busted, one of the military stump orators of the Administration, in a speech in New York on the 12th of May, 1863, said:

Let me tell those people, that never again on this earth will the Union be as it was.—The Constitution as it is must remain, until we get a new Heaven on earth in which human slavery will not find legislative sanction. And now, Mr. Copperhead, if that be abolitionism, make the most you can of it. You will never get the Union as it was, because it never ought to have existed as it was.

Rev. Henry Ward Beecher, in a speech in New York on the 13th of May, 1863, said:

I say boldly, that rather than have the States resume their places under the Constitution with the system of slavery in them, all just as it was before, I had rather give every

child that I have; I had rather embark upon a war of twenty years, with all its suffering and all its blood; and a war of twenty years, much as its miseries would be, would be cheap compared with the untold wretchedness of this nation, if we undertake the Union again with slavery flourishing and rampant.

These are "loyal" sentiments, and those who entertain and utter them are patriots and worthy of all confidence and honor, according to Republican precept and practice. But the author of the following, Mr. Vallandigham, is denounced as a traitor and has been sentenced to imprisonment by a drum head court martial.

It is in the restoration of the Union as it was in 1789 and continued for over seventy years, that I am bound to the last hour of my political existence.

THE arrest of Mr. VALLANDINGHAM will undoubtedly give great joy to the rebels. A few days ago the Richmond *Enquirer*, speaking of him and Mr. Cox, used the following language:

"We wish from our hearts they were both already safely chained up at the present writing. THEY HAVE DONE US MORE HARM, THEY AND THEIR LIKE, THAN TEN THOUSAND SEWARDS AND SUMNERS.

"Oh, Dictator Lincoln! lock ye up those two Peace-Democrats—together with Richardson—in some of your military prisons."

The President, accommodating soul that he is, has partially taken the *Enquirer's* ad-

(incomplete)

Albany Evening Journal
June 16, 1864

VALLANDIGHAM RETURNS TO OHIO.

He Declines Being "The Only Victim of Arbitrary Power."

CINCINNATI, June 15.

Vallandigham arrived at Hamilton, Ohio, this morning and made a speech in the public square. He left on the afternoon train for Dayton. There was a good deal of excitement at Hamilton during his stay there.

SECOND DESPATCH.

CINCINNATI, June 15.

Vallandigham arrived at Dayton at half-past five this P. M., and proceeded immediately to his residence. There was no demonstration.

Rumors were current that soon after his arrival he had taken the night train for Toledo, but it was subsequently announced that he would speak to-morrow. There is considerable apprehension of trouble at Dayton, and the people are very much excited.

THIRD DESPATCH.

Vallandigham made his appearance at the Democratic District Convention, held at Hamilton, to-day, with apparent surprise to the larger portion of the assembly, and was received with great enthusiasm. He spoke briefly from a written document, narrating his arrest and defending his actions. He said the assertions of the President, that he was arrested because he had labored with some effect to prevent the raising of troops, and encouraged desertions from the army, and had disobeyed or failed to counsel obedience to lawful authority, were absolutely false. He appealed to every speech he had made, and to the record of the Military Commission by the trial and sentence of which he was banished. "The sole offence laid to my charge was words of criticism of the public policy of the Administration, addressed to open political meetings of my fellow citizens. For more than one year no public man has been arrested or newspaper suppressed within the State for an expression of opinion, while hundreds in public assemblages, and through the press, with language and violence, in which I never indulged, have criticised and condemned the acts and policy of the Administration, denounced the war, and maintained even the propriety of recognizing the Southern Confederacy. I do not mean any longer to be the only man of the party who is to be a victim to arbitrary power. If Abraham Lincoln seeks my life, let him so declare, but he shall not again restrain me of my personal liberty except upon due process of law."

He denounced the Order No. 38, under which he was arrested, and said it was against the Constitution and laws, and without validity, and that all proceedings under it were null and void. "The time has arrived when it becomes me as a citizen of Ohio and the United States to demand, and by my own act vindicate, the rights, liberties and privileges which I never forfeited, but of which for so many months I have been deprived."

He reiterated his right to criticize the acts of the Administration, and cautioned his political friends from any acts of violence on his account, but advised none to shrink from any responsibility, however urgent, if forced upon him.

Vallandigham was accompanied to the depot by an enthusiastic crowd.

He arrived at Dayton to night, where it is understood he is to make another speech.

The Convention elected Vallandigham delegate to the Chicago Convention.

THE VALLANDIGHAM HABEAS CORPUS CASE.

Before Judge Leavitt.

THE CIRCUIT COURT DECIDES TO ISSUE THE WRIT.

OPINION OF THE JUDGE IN FULL.

At ten o'clock Saturday morning the Circuit Court room was crowded to hear the decision of Judge Leavitt on the application of C. L. Vallandigham for a writ of *habeas corpus*. The following is the decision of the Court:

Ex parte—C. L. Vallandigham—Habeas corpus.

This case is before the Court on the petition of Clement L. Vallandigham, a citizen of Ohio, alleging that he was unlawfully arrested at his home in Dayton, in this State, on the night of the 24th of May instant, by a detachment of soldiers of the army of the United States, acting under the orders of Ambrose E. Burnside, a Major General in the army of the United States, and brought, against his will, to the City of Cincinnati, where he has been subjected to a trial before a Military Commission, and is still detained in custody, and restrained of his liberty. The petitioner also avers that he is not in the land or naval service of the United States, and has not been called into active service in the militia of any State; and that his arrest, detention and trial, as set forth in his petition, are illegal, and in violation of the Constitution of the United States. The prayer is that a writ of *habeas corpus* may issue, requiring General Burnside to produce the body of the petitioner before this Court, with the cause of his capture and detention. Accompanying the petition is a statement of the charges or specifications on which he alleges he was tried before the Military Commission. For the purpose of this decision it is not necessary to notice these charges especially, but it may be stated in brief that they impute to the petitioner the utterance of sundry disloyal opinions and statements in a public speech at the town of Mt. Vernon, in the State of Ohio, on the 1st of May, inst., with the knowledge "that they did aid and comfort and encourage those in arms against the Government, and could but induce in his hearers a distrust in their own Government and sympathy for those in arms against it, and a disposition to resist the laws of the land." The petitioner does not state what the judgment of the Military Commission is, nor is the Court informed whether he has been condemned or acquitted on the charges exhibited against him.

It is proper to remark here, that on the presentation of the petition, the Court stated to the counsel for Mr. Vallandigham that, according to the usages of the Court, as well as of other courts of high authority, the writ was not grantable of course, and would only be allowed on a sufficient showing that it ought to issue. The Court is entirely satisfied of the correctness of the course thus indicated. The subject was fully examined by the learned Justice Swayne, when present, the presiding Judge of this Court, on a petition for a *habeas corpus*, presented at the last October term; a case to which further reference will be presently made. I shall now only note the authorities on this point, which seem to be entirely conclusive. Peters 201, Onshing, R. 235. Hurd on *habeas corpus*, 222, 3, 4. In pursuance of this ruling, an order was made by the Court that notice be given to General Burnside, of the pendency in the Court of the application for the writ, to the end that he might appear by counsel, or otherwise, to oppose the granting of the writ. That distinguished General has accordingly presented a respectful communication to the Court, stating generally and argumentatively the reasons of the arrest of Mr. Vallandigham, and has also authorized able counsel to represent him in resistance of the application for the writ. And the case has been argued at great length, and with great ability on the motion for its allowance.

It is proper to remark, further, that when the petition was presented, the Court made a distinct reference to the decision of this Court in the case of Benjamin Rupert, at October Term, 1864, before noticed, as an author-

ity, which a nation as well as an individual, may find it necessary to invoke. Nothing is hazarded in saying, that the great and far-seeing men who framed the Constitution of the United States, supposed they were laying the foundations of our National Government on an immovable basis. They did not contemplate the existence of the sorts of things with which the nation is now unhappily confronted, the heavy pressure of which is felt by every man and woman. They did not recognize the right of a President, by one or more States, for the obnoxious cause that it would have been an inspiration of an element in the Constitution, and the destruction of the Union. In their glowing visions of liberty, they were not aware of the possibility of a period, when the people of a large geographical section would be guilty of the treason and the crime of attacking themselves in rebellion against a Government, under whose folds and bosom they were as much entitled to repose as the people of the coming ages. We find now the situation, therefore, that in the organic law which they gave us, they had no specific provision for such a lamentable occurrence. They did, however, distinctly contemplate the possibility of foreign war, and vested in Congress the power to declare its existence, and "to raise and support armies" and "provide and maintain a navy." They were aware that the grant of these powers implied all other powers necessary to give them full effect. They also declared that the President of the United States "shall be Commander-in-chief of the Army and Navy, and of the Militia of the several States, when called into actual service," and they placed upon him the solemn obligation "to take care that the laws be faithfully executed." Under this last-mentioned provision, and in reference to a local rebellion, in which the laws of the Union were obstructed, the act of the 23d of February, 1793, was passed, providing in substance, that whenever in any State the civil authorities of the United States were unable to enforce the laws, the President shall be empowered to call out such military forces as might be necessary for the emergency. Fortunately for the country, this law was in force when several States of the Union repudiated their allegiance to the national Government, and placed themselves in armed rebellion against it. It was sufficiently comprehensive in its terms to meet such an occurrence, although it was not a case within the contemplation of Congress when the law was enacted. It was under this statute that the President issued his Proclamation of the 15th of April, 1861. From that time the country has been in a state of war, the history and progress of which are familiar to all. More than two years have elapsed, during which the treasure of the nation has been lavishly contributed and blood has freely flowed, and this formidable rebellion is not yet subdued. The energies of the loyal people of the Union are to be put to further trials, and, in all probability, the enemy is yet to be encountered on many a bloody field.

It is not to be disguised that our country is in imminent peril, and that the crisis demands of every American citizen, a hearty support of all proper means for the restoration of the Union, and the return of an honorable peace. Those placed by the people at the head of the Government, are earnestly and sincerely devoted to its preservation and perpetuity. The President may not be the man of our choice, and the measures of his Administration may not be such as all can fully approve. But these are minor considerations, and can avail no man from the paramount obligation of lending his aid for the salvation of his country. All should feel that no evil they can be called on to endure as the result of war, is comparable with the subversion of our chosen Government, and the horrors which must follow from such a catastrophe.

I have referred thus briefly to the present crisis of the country, as having some bearing on the question before the Court. It is clearly not a time when any one connected with the Judicial Department of the Government should allow himself, except from the most stringent obligations of duty, to embarrass or thwart the Executive in his efforts to deliver the country from the dangers which press so heavily upon it. Now, the question

more in vindication of its expediency. I refer to it only because General Burnside, in his manly and patriotic communication to the Court, has stated fully his motives and reasons for issuing it, and also that it was for its supposed violation that he ordered the arrest of Mr. Vallandigham. He has done this under his responsibility as the commanding General of this department, and in no respect what he has exposed to be the policy, which in him by the appointment of the President. It was vitally the act of the Executive Department under the power vested in the President by the Constitution; and I am unable to perceive on what principle this judicial tribunal can be invoked to annul or reverse it. In the judgment of the commanding General, the emergency required it, and whether it acted wisely or discreetly is not properly subject for judicial review.

It is worthy of remark here, that this arrest was made by General Burnside under the law of procedure that he had authority to disperse or punish the party arrested, according to his own will, without trial and proof of the facts alleged as the grounds for the arrest, but with a view to an investigation by a military court or commission. Such an investigation has taken place, the result of which has not been made known to the Court. Whether the Military Commission for the trial of the charges against Mr. Vallandigham, was legally constituted and had jurisdiction of the case is not a question before this Court. There is doubt, no matter in this Court, on the pending motion, to revise or reverse the proceedings of the Military Commission, if they were before the Court. The sole question is whether the arrest was legal; and, as before remarked, its legality depends on the necessity which existed for making it; and of that necessity, for the reason stated, this Court cannot judicially determine. General Burnside is unquestionably amenable to the Executive Department for his conduct. It is his duty to stand at the head of the army, and would be the duty of the President not only to annul his act, but to visit him with decisive marks of his disapprobation. To the President, in his capacity of Commander-in-chief of the army, he must answer for his official conduct. But, under our Constitution, which studiously seeks to keep the executive, legislative and judicial departments of the Government from all interference and conflict with each other, it would be an unwarrantable exercise of the judicial power to decide that a co-ordinate branch of the Government, acting under its high responsibilities, had violated the Constitution, in its letter or its spirit, by authorizing the arrest in question. Especially in these troublous times, when the national life is in peril, and when union and harmony among the different branches of the Government are so imperatively demanded, such interference would find no excuse or vindication. If the doctrine is to obtain, that every one charged with, and guilty of, acts of mischievous disloyalty, not within the scope of the criminal laws of the land, in custody under military authority, is to be set free by courts or judges on *habeas corpus*, it requires no argument to prove that the most alarming conflicts must follow, and the power of the Government be most seriously impaired. I dare not, in my judicial position, assume the fearful responsibility implied in the sanction of such a doctrine.

And here, without subjecting myself to the charge of trenching upon the domain of political discussion, I may be indulged in the remark that there is too much of the pestilential leaven of disloyalty in the community. There is a class of men in the loyal States, who seem to have no just appreciation of the deep criminality of those who are in arms, avowedly for the overthrow of the Government, and the establishment of a Southern Confederacy. They have not, I fear, risen to any right estimate of their duties and obligations as American citizens, to a Government which has strung its blessings with a profuse hand. I may venture the assertion, that the page of history will be searched in vain for an example of a rebellion so wholly destitute of excuse or vindication, and so dark with crime, as that which our bleeding country is now called upon to confront, and for the suppression of which all

- One of the Fruits of Copperheadism.

The last month has been a lively time for paying taxes and the magnitude of them is an argument against the Copperhead party, that all tax-payers will be able to appreciate. The taxes for ordinary purposes are but little higher than they were four years ago. It is the assessment for paying bounty debts that runs the figures up. Had the Democratic leaders supported the war instead of trying to make political capital for themselves by opposing it, there would have been no need of paying bounties. At the commencement of the contest, and for some months afterwards, more volunteers offered themselves, without the inducement of local bounties, than could be received; but when VALLANDIGHAM, VOORNIEES, WOOD, and that class of men succeeded in committing the party against the country, and the cry of "no more men and no more money" became popular with Democrats, and bands of the Knights of the Golden Circle were organized, then bounties had to be offered for volunteers. But for the disloyal attitude into which the Democratic party drifted under the lead of its reckless and ambitious managers, the war would in all probability have closed from one to two years sooner than it did, which would have saved the General Government more than \$1,000,000,000 of its present debt, and would have obviated the heavy tax we are paying this year for bounties and the support of soldiers' families. Truly, Copperheadism has cost the people dearly, and honest Democrats will be convinced of it when they pay their taxes and reflect upon the causes which have made them so much larger than formerly.

Ind Journal 3. 20-66

Clement Laird Vallandigham
1820-77

Thinks FDR's Attack On Lindy Bit Too Severe

Miss Belle Thomas Girl
In Dayton When Val-
landigham Arrested.

By June Mull.

"I was so aroused by the comparison of Colonel Lindbergh to Vallandigham, so indignant, I though I couldn't stand it!" said Miss Belle Thomas, 311 South Liberty street.

Yesterday, Miss Thomas, who spent her girlhood in Dayton, O., searched out among old clippings a copy of the "Daily Dayton Journal" which tells of the arrest of Clement Laird Vallandigham, one-time congressman from Ohio, leader of the "Copperheads," the man to whom President Roosevelt referred when discussing Colonel Lindbergh in a press conference.

She was prompted by a comment made in yesterday morning's Star by Dave Boone in his "The Real News Newsreel." Mr. Boone said "one thing this Lindbergh business was to set a lot of folks digging into books to find out who that feller Vallandigham was."

Lived On Best Street.

"People don't need to go to books to find out about Vallandigham; I can tell them," said Miss Thomas, who has passed her ninety-fifth birthday and was a senior in high school in Dayton at the time of the Copperhead leader's arrest.

"James Truslow Adams merely mentions Vallandigham in his history," Miss Thomas said. "The man was an influential politician. His house was on the best street in Dayton and I can see it now, with its iron fence around it. I didn't know him personally, only in public life.

"I was a senior in high school and keen for every bit of news about the Civil War. I was scraping lint for bandages. We had no Red Cross then. No surgical gauze. We scraped old linen, of which there was a great deal then.

"In 1862, Vallandigham began saying that the government had no

Turn to Page 3, Column 4.

right to fight and that it was impossible for it to win the Civil War. He had become so loud and dangerous by 1863 that the government sent a squad of men to arrest him. The Democratic newspaper, 'The Empire,' (which Vallandigham edited for two years after coming to Dayton in 1847) incited a mob to burn the office of the 'Dayton Daily Journal' and the 'Journal' some way managed to publish this issue."

The four-page, yellow newspaper, in good condition, is about eight by twelve inches in size. It is dated May 6, 1863.

Soldiers Forced Doors.

The "Journal" attributes the mob action to an "inflammatory article" which appeared in 'The Empire' the previous evening, May 5, 1863. The 'Journal' reports that the arrest of Mr. Vallandigham "was made about 3 o'clock yesterday morning by a company of the 115th Ohio Regiment, sent by General Burnside by special train from Cincinnati. Mr. Vallandigham refused to give himself up voluntarily, which placed the soldiers under the necessity of forcing the doors and seizing him in his house. Some of his friends ran to the engine house and rang the bells, which was doubtless a preconcerted signal to arouse and bring together his friends, but no attempt was made to rescue him. He was taken to the depot, and thence to Cincinnati, where he arrived about 6 o'clock yesterday morning, and was at once conveyed to the military prison on Columbia street. There he remained at last accounts."

(Vallandigham was found guilty of disloyal utterances and conduct and sentenced to close confinement for the war's duration, but President Lincoln commuted the sentence to banishment beyond the Federal lines. From the South the Copperhead leader went to Canada and while in Windsor was nominated for governor by the Democrats of Ohio to be defeated by over 100,000 majority. He returned to Dayton in 1864, again engaged in politics and was a delegate to the national Democratic convention in Chicago. Vallandigham died tragically. He was an attorney and while illustrating in court in Hamilton, O., the manner in which a murder victim was shot accidentally shot himself. *1871, May*

In its account of Vallandigham's arrest, the "Journal" reports that over thirty other arrests were made by the soldiers. It tells how law enforcement officers were nowhere to be seen, how the mayor and others went to Cincinnati, how some fire companies refused to function, how others had been sabotaged by mobsters.

"About dark," the Journal says, "a swivel was brought into the street from the Empire office and fired several times to bring together a crowd. By 8 o'clock the crowd in front of the Empire office numbered three or four hundred, making the night hideous with their cries. The assault on the Journal was commenced with stones and occasional shots of pistols. Pistol shots, however, became more and more frequent after a time, and there were not less than two hundred shots fired through the windows of the building. Arms had been furnished these rowdies, who had been supplied with whisky during the day to prepare them for the work of destruction at night, regardless of all the terrible consequences that might follow. As soon as it was ascertained there were no persons in the building—as that was doubtless the object of the firing through the windows—the mob

crossed the street, forced open the doors, and, after destroying what they could lay their hands upon, set fire to the building in several different places. By 10 o'clock the building was entirely consumed. The fire communicated with several adjoining buildings which were also burnt to the ground. That the burning of the Journal office was prearranged by cooler heads during the day, we have not the least doubt. The whole proceeding gives abundant evidence of this. The telegraph wires were cut, and the track of the Hamilton and Dayton railroad was torn up, in order to delay the arrival of soldiers, expected from Cincinnati. These facts show conclusively that others were concerned in it. We trust and believe those who are really responsible as well as their drunken tools, will be brought to justice."

Under the heading "Mobocracy,"

the newspaper says that "the disgraceful proceedings of last night were but the legitimate result of the teaching of the Democratic leaders of Montgomery County. The speech of Vallandigham at the courthouse last fall gave us an insight into the designs of the traitorous crew. The Empire, the fit mouthpiece of treason, caught up the revolutionary doctrines of its leaders, and column after column was filled with its threats of vengeance against all who stood by the Union cause.

Doesn't Like Comparison.

"The scenes of the French Revolution were to be re-enacted. * * * Threats against life and property have been of daily occurrence up to the arrest of their leader on Monday night. This was the signal to bring out their forces and endeavor to make history on the French pattern. How well they have succeeded, and the

lesson to be learned from it, are subjects for every good citizen to ponder well."

Incidentally, another item in the newspaper reports that "the Copperheads of Jackson Township, Randolph County, Indiana, have harbored deserters, boasting that they should not be taken from them. The appearance of a squad of soldiers skedaddled them quicker than the 'draft' would have done."

Remembering all this, Miss Thomas dislikes the mention of Colonel Lindbergh in the same breath with Clement Laird Vallandigham, the Dayton politician.

She doesn't think the flier deserves such treatment.

"Lindbergh," says Miss Thomas, "has been the idol of the people for years. I didn't like that comparison."

And when Miss Thomas doesn't like something—she doesn't like it! And she can tell you ably and fluently just why.

5-2-41



1820 — CLEMENT LAIRD VALLANDIGHAM — 1871.

From an enlargement of an original Brady negative in the possession of Frederick H. Meserve,
New York.

